

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

UNITED STATES OF AMERICA :
:
v. : **3:10CR174-W**
:
JAMAR SERON RANDALL :
:
:

MOTION FOR REVIEW OF DETENTION ORDER

COMES NOW Defendant, JAMAR SERON RANDALL, by and through his undersigned counsel of record, and pursuant to Title 18, U.S.C. § 3145(d) and moves the Court to enter an Order revoking the Detention Order entered by the Magistrate Judge in this case on October 26, 2006, and in lieu thereof ordering the Defendant's release and monitored by the North Carolina Western Probation and Pretrial Services Department. The basis and support for this motion is as follows:

1. The movant is under indictment for violations of Title 18 U.S.C § 922(g)(1) and Title 18 U.S.C § 924(d).
2. On October 12, 2010, Defendant was arraigned and given a detention hearing before the Honorable David Keesler, United States Magistrate Judge. During the detention hearing the Government offered the testimony of a Charlotte Mecklenburg Police Officer to the effect that, Defendant was arrested on January 28, 2010 and charged with Possession of a Firearm by a Felon. He also testified that

although the indictment was issued on August 17, 2010, Defendant was not served until October 5, 2010 because Defendant was unable to be located and a fugitive.

3. This information, along with additional information contained in the pretrial services report was relied upon by the magistrate judge in concluding that Defendant's pretrial release posed a danger to the community that could not be mitigated by any conditions of release which the court could fashion. Defendant was thus ordered detained based on the court's conclusion that his release posed a danger to the community.
4. On August 31, 2010, Defendant in Mecklenburg County, NC Superior Court and entered a plea of guilty the charge of Possession of a Firearm by a Felon for the same conduct as the instant offense.
5. Thereafter, Defendant was placed on intensive supervised probation with Mecklenburg County, NC Department of Community Corrections.
6. Defendant was monitored by probation officer Felicia Massey.
7. Defendant never missed a curfew appointment while on probation.
8. Defendant was never cited for violating the terms of his probation.

9. Defendant was required to seek and maintain gainful employment as part of the terms and conditions of his intensive probation. Defendant had obtained employment at Jiffy Lube Service Center #41, which is located at 216 Eastway Dr., Charlotte, NC 28213-7104.

15. The factually inaccurate information regarding Defendant's failure to be located and being a fugitive factored in the magistrate judge's evaluation of the evidence and ultimate conclusion regarding detention. The Defendant maintains that an evidentiary record which includes accurate information regarding Defendant's character will support the conclusion that conditions can be fashioned which would allow Defendant's release pending trial while adequately safeguarding the community.

WHEREFORE, Defendant respectfully requests that the court schedule an evidentiary hearing for the purpose of receiving evidence relevant to his suitability for pretrial release, and amend the magistrate judge's detention order by granting the defendant's release pending trial upon any conditions which the court deems acceptable.

Respectfully submitted, this 3rd day of November, 2010.

Cloud & Williams, PLLC

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CERTIFICATE OF SERVICE

I hereby certify that on November 3rd, 2010, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following: Jennifer Lynn Dillon

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